

Great Britain
K/3

Anno Regni
GEORGI II.
REGIS

Mag^a Britannia, Francia, & Hibernia,
TRICESIMO SECUNDO.

At the Parliament begun and holden at
Westminster, the Thirty first Day of *May*,
Anno Dom. 1754. in the Twenty seventh
Year of the Reign of our Sovereign Lord
GEORGE the Second, by the Grace of
God, of *Great Britain, France, and Ire-*
land, King, Defender of the Faith, &c.

And from thence continued by several Prorogations
to the Twenty third Day of *November*, 1758, being
the Sixth Session of this present Parliament.



L O N D O N :

Printed by *Thomas Baskett*, Printer to the King's
most Excellent Majesty; and by the Assigns
of *Robert Baskett*. 1759.

Anno Regni

GEORGIUM

PRIMUM

IN

ANNO

MDCCCLXXXVIII

THE



IN

THE

OF

Anno tricesimo secundo

GEORGII II. Regis.

*An Act for repairing and
widening the High Road
from Wetherby to Graf-
fington, in the County of
York.*

WHEREAS the Road Pream-
ble.
leading from *Wetherby*
through *Spofforth, Knaref-
borough, Ripley, Scaroe, Pateley
Bridge, Greenhaugh Hill, and Heb-
den, to Grassington*, in the County
of *York*, is very ruinous, and dan-
gerous to Passengers, and for the
most part so very narrow, that

Wheel Carriages cannot pass along the same without the greatest Difficulty, and cannot, by the ordinary Course provided by the Laws of this Kingdom for repairing of Highways, be effectually amended, widened, and kept in Repair: and inasmuch as the Doing thereof will greatly tend to the Improvement of the Trade and Commerce of that Part of the Country through which the said Road doth lead, and be a Benefit to all Persons travelling thereon: **Therefore**, to the Intent that the said Road may, with all convenient Speed, be effectually repaired, amended, enlarged, and made passable, and hereafter kept in good and sufficient Repair; **May** it please Your Majesty, that it may be **enacted**; and be it **enacted** by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority

thority of the same, That Lord
George Cavendish, Lord *Frederick*
Cavendish, Lord *John Cavendish*,
 the Right Honourable the Lord
Viscount Downe in the Kingdom
 of *Ireland*, the Right Honourable
 Lord *Viscount Castlecomer* in the
 Kingdom of *Ireland*, the Right
 Honourable *Sir Thomas Robinson*
 Knight of the Bath, the Right
 Honourable *Robert Boyle*; *Sir*
George Savile, *Sir Henry Slingsby*,
Sir John Ingilby, *Sir John Good-*
rike, *Sir Walter Blacket*, *Sir John*
Kay, *Sir William Robinson*, *Sir*
Thomas Tancred, *Sir Henry Ibbet-*
son, *Sir Walter Vavasour*, *Sir Ed-*
ward Blacket, *Sir Bellingham Gra-*
ham, *Sir Bryan Stapleton*, *Sir Cecil*
Wray, Baronets; *Sir Charles Ver-*
non Knight; *William Aislaby*,
William Aislaby the younger, *Ro-*
bert Aythorp, *Charles Allanson*, *Tho-*
mas Arthington, Esquires; *John*
Alcock, *John Alcock* the younger,
 Clerks; *John Alcock* of *Skipton*,
John Abbotson, Gentlemen; *John*
 A 4 *Bourchier*,

Bourchier, Humphrey Bellamy, Thomas
 Barstow, Richard Bayne, Huley Baynes,
 Esquires; Edward Bainbridge Clerk,
 Christopher Benson, Peter Buck, John
 Batty, William Brown, John Blai-
 key, Henry Brown, John Barker,
 Nicholas Blackburn, Gentlemen;
 Thomas Collins, Thomas Carr, John
 Carr, Clerks; William Crompton,
 Peter Conset, Esquires; James Col-
 lins, Richard Cass, Thomas Cass,
 John Close, James Close, Samuel
 Coates, Richard Constantine, Tho-
 mas Chippendale, John Constantine,
 Gentlemen; William Danby, Henry
 Duncombe, Charles Slingsby Dun-
 combe, John Dodsworth, John Dodf-
 worth the younger, Anthony Daw-
 son, Esquires; William Day, An-
 thony Dean, Gentlemen; the Dean
 of Ripon for the time being, Gre-
 gory Elsley Esquire, Ayscough Fawkes,
 Francis Fawkes, Francis Fawkes
 the younger, Frederick Frankland,
 Thomas Frankland, Esquires; John
 Fogg D. D. Richard Fountain,
 Thomas Foster, Gentlemen; Henry
 d Goodricke;

Goodricke, William Gaythorp, Clerks;
Man Horsefield, Henry Hitch, John
Hutton, John Hutton the younger,
Haber, Esquires; Michael
Hardcastle, John Hawkridge, George
Hassel, Gentlemen; Samuel Ibbet-
son, William Tufnell Joliffe, Peter
Johnson the younger, Edmund Jen-
nings, Esquires; Charles Inman,
Francis Isles, Columbus Ingilby, Eben
Jackson, Michael Inman, Gentle-
men; Thomas Kitchingman Esquire,
Mathew Knowles, John Knowles,
Clerks; Henry Kirkby Gentleman,
Edwin Lascelles, Daniel Lascelles,
Francis Lascelles, George Fox Lane,
Robert Lane, Thomas Lister, John
Lister, William Lawrence, Esquires;
Thomas Lamplugh Clerk, William
Layton, John Lupton, Samuel Lunn,
Gentlemen; William Middleton, Mi-
chael James Messenger, William Meek,
John Milbank the younger, John
Moyer, Esquires; Anthony Metcalf,
Mathew Metcalf, Clerks; Mathew
Metcalf Gentleman, Fletcher Norton,
Edward Norton, Esquires; Robert
Oates

Oates Gentleman, Thomas Pullein Esquire, Stephen Peart Gentleman, Richard Richardson, William Roundell, Danfon Roundell, Gregory Rhodes, Esquires; Henry Richardson Clerk, William Richardson M. D. John Raiks Clerk, Cutbbert Redshaw, Thomas Richardson, William Reynard, Gentlemen; the Mayor and Recorder of Ripon for the time being, Charles Slingsby, Savile Slingsby, Miles Staveley, John Gilpin Sawrey, Esquires; Benjamin Smith Clerk, Francis Shepberd, Francis Shepberd the younger, Thomas Strother, John Strother, John Shackleton, George Smith, John Swires, John Summers, Anthony Simondson, Richard Stackhouse, Allanson Skaife, Henry Smithson, James Swaile, Richard Shires, Gentlemen; William Thornton, Francis Trapps, Ambrose Trapps, Edward Thompson, Esquires; Richard Thompson Clerk, Elias Thornhill, John Thornhill, Elias Thornhill the younger, Walter Vavasour, John Upton, John Upton the

the younger, Esquires; *Andrew Wilkinson, John Wood Boynton John White, Thomas Weddell, Thomas Wilkinson, William Weddell, Charles Wilkinson, Andrew Wilkinson the younger, William Wilkinson, Henry Wilmot, Esquires; Francis Wanley D. D. Samuel Whalley, John Williamson the younger, John Wilks, William Williamson, Thomas Watkinson, Thomas Wearing, James Wheelhouse, William Wrathall, Henry Wrathall, Gentlemen; Richard Wilson, Richard Wilson the younger, Thomas York, John York, Thomas York the younger, Esquires;* shall be, and they are hereby appointed Trustees for surveying, ordering, enlarging, amending, and repairing the said Road, and keeping the same in Repair; and for putting all and every the Powers and Authorities hereby given, granted, and provided, in Execution.

And

Trustees
may erect
Turn-
pikes and
Toll-
houses,

and take
the fol-
lowing
Tolls
thereat.

And it is hereby further enacted and declared, That the said Trustees and their Successors, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall authorize or appoint, and they are hereby authorized and impowered to erect and set up, or cause to be erected and set up, One or more Turnpike or Turnpikes, Toll-gate or Toll-gates, Toll-house or Toll-houses, in, upon, or across any Part of the said Road, and to remove or alter the same as they the said Trustees, or any Seven or more of them, shall, from time to time, think meet or expedient; and also shall and may demand and take, before any Horse, Beast, Cattle, or Carriage whatsoever, made chargeable with and liable to any Toll or Duty by virtue of this Act, shall be permitted to pass through such Turnpikes or Toll-gates respectively, the several Tolls and Duties following;

following ; that is to say, In that Part of the same Road lying between *Wetherby* and *Knareborough*,

For every Coach, Chariot, Landau, Berlin, Hearse, Chaise, or Calash, drawn by Six or more Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Nine Pence ; and drawn by Four Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Three Pence ; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of Nine Pence ; and for every Chaise or Chair drawn by One Horse, Mare, Gelding, or Mule, the Sum of Six Pence.

The Tolls to be paid on their respective Roads.

And for every Waggon, Wain, Cart, or other Carriage, carrying or laden with, or empty and going for, or returning immediately after having been so laden with Coals, Cinders, Lime, Peats, Turf or Turfs, only, drawn by Five or more Horses, Oxen, or Beasts of Draught,

Draught, the Sum of Six Pence; and drawn by Four Horses, Oxen, or Beasts of Draught, the Sum of Four Pence; and drawn by Three Horses, Oxen, or Beasts of Draught, the Sum of Three Pence; and drawn by Two Horses, Oxen, or Beasts of Draught, the Sum of Two Pence; and drawn by One Horse, Ox, or Beast of Draught, the Sum of One Penny; and for every Horse, Mare, Gelding, Mule, or Ass, so laden, going or returning, and not drawing, the Sum of One Halfpenny.

And for every Waggon, Wain, Cart, or other Carriage, not so laden, going or returning, drawn by Six Horses, Oxen, or Beasts of Draught, the Sum of Two Shillings and Six Pence; and drawn by Five Horses, Oxen, or Beasts of Draught, the Sum of One Shilling and Nine Pence; and drawn by Four Horses, Oxen, or Beasts of Draught, the Sum of One Shilling and Three Pence; and drawn

drawn by Three Horses, Oxen, or Beasts of Draught, the Sum of One Shilling; and drawn by Two Horses, Oxen, or Beasts of Draught, the Sum of Nine Pence; and drawn by One Horse, Ox, or Beast of Draught, the Sum of Six Pence; and for every other Horse, Mare, Gelding, Mule, or Ass, not so laden, going or returning as aforesaid, and not drawing, Three Halfpence.

And for every Drove of Oxen or Neat Cattle, Ten Pence *per* Score; and so in Proportion for any greater or less Number.

And for every Drove of Calves, Swine, Sheep, or Lambs, the Sum of Five Pence *per* Score; and so in Proportion for any greater or less Number.

And in that Part of the same Road lying between *Knareborough* and *Pateley Bridge* aforesaid, such and the same Tolls and Duties as are herein before directed to

to be taken in that Part of the Road which lies between *Wetherby* and *Knareborough* aforesaid; and in that Part of the same Road lying between *Pateley Bridge* and *Grassington*, such and the same Tolls and Duties as are herein before directed to be taken in that Part of the Road which lies between *Wetherby* and *Knareborough* aforesaid.

No Gates
to be set
up nearer
than 3
Miles to
the Cross
at *Knare-*
borough,
1 Mile of
the Cross
of *Ripley*,
nor near-
er to
Pateley
Bridge
than *Cra-*
ven Cross.

Provided always, That nothing herein contained shall extend, or be construed to extend, to give to the said Commissioners, or any of them, any Power or Authority to erect or set up any Turnpike or Turnpikes, Toll-gate or Toll-gates, in, upon, or across any Part of the said Road within the Distance of Three Miles North-west from the Market Cross in the Town of *Knareborough* aforesaid; nor nearer to the Market Cross of the Town of *Ripley* than One Mile; nor nearer to the Town of *Pateley Bridge* aforesaid than *Cra-*

Ben Crose, in the Road to *Grassington* aforesaid; any thing herein contained to the contrary thereof in any wise notwithstanding.

And be it further enacted, That the several Tolls and Duties hereby granted and made payable, shall and may be demanded and taken in the Name of, and as a Toll or Duty; and the Money so to be raised as aforesaid, shall be and is hereby vested in the said Trustees, and their Successors; and the same, and every Part thereof, shall be paid, applied, disposed of, and employed, to and for the several Uses, Intents, and Purposes, and in such Manner, as is herein after mentioned, ordered, provided, and directed.

Tolls
vested in
Trustees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses which shall be erected and built by virtue of this Act, shall be and are hereby vested in the

Turn-
pikes and
Toll-
houses
vested in
Trustees.

said Trustees; and they, or any Seven or more of them, are hereby authorized and impowered to dispose thereof as they shall think proper; and to bring Actions in their Names, or in the Names of any Seven or more of them, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or to prefer Bills of Indictment against any Person or Persons who shall steal, take away, break down, spoil, or damage such Turnpikes or Toll-houses, or any of them, so erected and built as aforesaid, or any Part thereof.

Trustees
may ap-
portion
Tolls.

Provided always, and be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to separate, divide, and apportion the Tolls hereby granted and made payable into such and so many equal Shares and Proportions to be taken, collected, and received, at such and so

so many of the said Turnpikes or Toll-gates, as to the said Trustees, or any Seven or more of them, shall seem requisite and expedient.

And it is hereby further enacted, That it shall and may be lawful to and for the said Trustees for the time being, or any Five or more of them, or any such Person or Persons as they, or any Five or more of them, under their Hands and Seals, shall from time to time nominate and appoint, to demand and take the Tolls hereby granted and made payable, and to levy the same upon any Person or Persons who shall, after Demand thereof, neglect or refuse to pay such Tolls and Duties as aforesaid, by Distress of any Horse or Horses, or other Cattle or Goods, upon or on account, or in respect of which such Toll or Duty is by this Act imposed or made payable, or by Distress of any other Goods and Chattles of such Person or Persons who ought to pay the same ;

Tolls to
be levied
by Di-
stresses and
Sale.

Distress
to be sold
after 5
Days.

and to keep and detain the same until such Tolls or Duties, with the reasonable Charges of such distraining, detaining, and keeping, shall be paid: And it shall and may be lawful to and for such Persons so distraining, after the Space of Five Days after such Distress made and taken (such Toll or Duty, with the reasonable Charges of such distraining, detaining, and keeping, not being then paid) to sell the Goods so distrained and detained, returning the Overplus (if any be) upon Demand, to the Owner thereof, after such Toll and Duty, and reasonable Charges for distraining, keeping and selling the same, shall be deducted and paid.

Recital of
Act for
repairing
Road
from Ri-
pon to
Pateley
Bridge.

And whereas by virtue of an Act of Parliament passed in the Twenty ninth Year of the Reign of His present Majesty, intituled, *An Act for Repairing and Widening the High Road from the Borough of Ripon, by Ingram Bank, to the Town of Pateley Bridge, in the County*

County of York, a Toll-house and Toll-bar have been erected and set up in the said Town of *Pateley Bridge* aforesaid, and also that Part of the Road in this present Act contained, which lies between the said Toll-bar so erected as aforesaid, and the Place where the said Road from *Ripon*, by *Ingram Bank*, to the Town of *Pateley Bridge*, and the Road by this Act intended to be repaired, divide, hath been repaired by and out of the Tolls and Duties by the said recited Act set and imposed, or the Money borrowed on the Credit thereof; it is therefore enacted by the Authority aforesaid, That the said Toll-house and Toll-bar, so erected as aforesaid, shall remain, continue, and be, where the same are now placed and erected, during the Continuance of this Act, unless the Commissioners authorized for putting the said recited Act in Execution, or

Continuing said Bar of mutual Benefit, and to continue.

any Seven of them, and the Commissioners appointed or to be appointed by this present Act, or any Seven of them, shall think it proper and necessary to remove and place the same on any other Part of the Road between the said Bar, so erected as aforesaid, and the Place where the said Road from *Ripon* by *Ingram Bank* joins the said Road by this Act intended to be repaired.

AMoiety
of the
Charges
of purchasing
the Toll-
houses,
&c. to be
paid to
Trustees
of recited
Act.

And it is further enacted by the Authority aforesaid, That the Sum of One hundred and nine Pounds Three Shillings and Nine Pence, being One full Moiety of the Expences and Charges of the purchasing, erecting, and setting up of the said Toll-house and Toll-bar, and of the making of such Part of the said Road as aforesaid, shall be raised and paid to the Trustees appointed for the putting the said recited Act in Execution, out of the first Money that

that shall be raised by virtue of this Act.

And be it enacted by the Authority afore-
 said, That One Moiety of the Expences, from time to time, during the Continuance of this Act, which shall be incurred in the supporting, maintaining, and keeping in Repair, the said Toll-house, Toll-bar, and all and any future Toll-bars or Toll-houses to be erected for the Purposes of the joint Collection, and such Part of the said Road, as afore-
 said; and also One Moiety of the Salary of the Gate-keeper or Gate-keepers of the said Toll-bar for the time being; and also when, and so soon as, the Road hereby directed to be repaired, shall be sufficiently repaired and amended, and the Costs and Charges thereof shall have been paid and satisfied, and the Road in the said recited Act mentioned, leading from *Pately Bridge Chapel*, over *Bishop Side Moor*, shall have been

AMoiety
 of the Ex-
 pence of
 repairing
 said
 Road,
 &c. to be
 borne by
 the *Kna-*
resborough
 Road
 Trustees.

repaired and amended, as in the said recited Act is mentioned, that then One Moiety of the Expences attending the making and repairing of the said last-mentioned Road (so as such Moiety doth not exceed the Sum of Fifty Pounds) shall be defrayed and sustained by and out of the Tolls and Duties, or the Money to be borrowed upon the Credit thereof, by force and virtue of this present Act.

One
Moiety of
the Tolls
arising
from the
joint Col-
lection
vested in
Knaref-
borough
Trustees.

And be it enacted, by the Authority aforesaid, That One Moiety of the Tolls and Duties which shall, from time to time, be collected at the said Toll-gate, so erected as aforesaid by virtue of the said recited Act, or which shall be erected for the Purpose of the said joint Collection, shall, from and immediately after the passing of this Act, be, and the same are hereby, vested in the Commissioners impowered to put this present Act in Execution; to the end the same may be employed by them

them for the repairing, and keeping in Repair, the Road by this Act directed to be repaired; and the Gate-keeper or Gate-keepers for the time being, of the said Toll-bar or Toll-bars, as aforesaid, shall, and he and they are hereby directed, from time to time, during the Continuance of this Act, to account with and pay to the Trustees, or any Five or more of them, appointed or to be appointed for putting this present Act in Execution, One Moiety of such Tolls and Duty by him or them to be collected at the said Toll-gate or Toll-gates, as aforesaid, under the like Penalties, and in such and the same Manner, as any other Gate-keeper or Gate-keepers, Toll-gatherer or Toll-gatherers, are by this Act made accountable.

And be it further enacted by the Authority aforesaid, That the Residue of the Money arising from the Tolls and Duties by virtue and in pursuance of this Act, or

Applica-
tion of
the Tolls.

that

that shall be borrowed on the Credit thereof, shall, by the said Trustees hereby nominated or appointed, and their Successors, or any Seven or more of them, be applied and disposed of, in the next Place, for the paying and defraying the Charges and Expences attending the obtaining and passing this present Act, and then for the erecting such Turnpike or Turnpikes, Toll-gate or Toll-gates, Toll-house or Toll-houses, as the Trustees for the time being, or any Seven or more of them, shall think proper to set up in pursuance of this Act, and afterwards, and subject thereto, to the amending, repairing, widening, and keeping in Repair, the said Road by this Act directed to be repaired as aforesaid.

Provided always, and it is hereby further enacted by the Authority aforesaid, That the Money arising by the Tolls directed to be taken, by virtue of this Act,
on

on that Part of the said Road which leads from *Pateley Bridge* to *Grassington*, or the Money to be borrowed on the Credit thereof, shall be applied and laid out in the widening, repairing, and amending, that Part of the said Road only; any thing herein contained to the contrary notwithstanding.

Provided also, That nothing in this Act contained shall authorize the said Trustees, or any of them, to repair any of the Town Streets of *Knaresborough*, *Ripley*, or *Pateley Bridge*, or the Bridges at *Knaresborough* and *Pateley* aforesaid.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying any Lands near unto any Turnpike to be erected in pursuance of this Act, do pass, or shall willingly permit or suffer any Person or Persons whatsoever so to pass through

Trustees
not to
repair
Town
Streets or
Bridges.

Penalty
on Per-
sons go-
ing thro'
and per-
mitting
private
Passage.

through any Gate, Passage, or Inclosure, not being an antient Highway, to and from the Place or Places from whence he or they shall respectively come, with any Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, or riding, driving, or leading any Sort of Cattle, whereby the Payment of any of the Tolls or Duties by this Act granted shall or may be avoided; every Person so permitting, and also the Person so going through to avoid Payment as aforesaid, be thereof convicted upon Oath, or upon Affirmation of One of the People called *Quakers*, before the said Trustees, or any Five or more of them (who are hereby impowered to administer such Oath or Affirmation), or before One or more Justice or Justices of the Peace for the West Riding of the County of *York*, shall respectively forfeit and pay to the Trustees authorized to put this Act in Execution,

cution, or to their Treasurer or Treasurers for the time being, the Sum of Twenty Shillings, to be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal, or Hands and Seals, of the said Trustees, or any Five or more of them, or such Justice or Justices; and the Person or Persons making such Distress shall render the Overplus (if any be) of the Money arising by such Sale, which shall remain after the Payment of the said Penalty, and the Charges of such Distress and Sale, to be settled and ascertained by the said Trustees, or any Five or more of them, or by the said Justice or Justices, are deducted, unto the Owners of the Goods so distrained.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any

Trustees
may erect
Side-
gates.

Seven

Seven or more of them respectively, shall direct or appoint, as aforesaid, to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turkpikes, on the Side of, or cross any Way or Lane leading out of the said Road, or any Part thereof, to prevent Frauds and Abuses in eluding the Payment of the said Tolls, or any of them, hereby imposed and made payable as is aforesaid; and there to receive and take such Toll or Tolls as is or are, by virtue of this Act, to be taken at any of the Turnpikes to be erected in pursuance thereof, so as the same do not extend to a double Charge within the Tenor and true Meaning of this Act.

Tolls to
be paid
but Once
a Day.

Provided always, That no Person or Persons, having paid the Toll or Duty granted and made payable by this Act, at any Gate or Turnpike already erected, or which shall be erected, in pursuance

ance of this Act, upon, across, or on the Side of, the said Road, through which such Person or Persons shall pass, producing a Note or Ticket, that the said Toll or Duty was paid (which Note or Ticket the Receiver or Receivers, Collector or Collectors, of the Tolls and Duties granted and made payable by this Act, is and are hereby required to give *gratis*), shall be liable to pay any Toll or Duty at any other Gate or Gates, Turnpike or Turnpikes, erected in any other Part of the same Road; so as such Person or Persons deliver the said Note or Ticket to the Receiver or Receivers, Collector or Collectors, of the said Toll or Duty, at the said Gate or Turnpike erected on the same Road, on the same Day, or before Twelve of the Clock in the Night of that Day; and that no Person or Persons, who shall have Occasion to pass through any of the Toll-gates or Turn-pikes erected,

ed, or which shall be erected, in pursuance of this Act, with any Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, Horse, Mare, or other Cattle, having paid the Tolls and Duties aforesaid, and who shall return or pass or repass on the same Day upon or with the same Coach, Chariot, Waggon, Wain, Cart, or other Carriage, Horse, Mare, or other Cattle, shall be liable or compellable on the same Day to pay the Toll or Duty more than Once at the same Turnpike or Toll-gate on the said Road.

Only One
Toll to
be paid
between
*Knaref-
borough*
and *Pate-
ley Bridge*.

Provided also, That no Person or Persons, having paid the Toll or Duty granted and made payable by this Act, at any Gate or Turnpike which shall be erected, in pursuance of this Act, on that Part of the said Road hereby directed to be repaired as lies between *Knareborough* and *Pateley Bridge*, through which such Person or Persons shall pass, pro-

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ducing such Note or Ticket as
aforesaid, shall be liable to pay
any Toll or Duty at the said Gate
or Turnpike so erected in the
Town of *Pateley Bridge* aforesaid,
or which shall be erected for the
Purpose of such joint Collection,
as aforesaid; so as such Person
or Persons shall deliver the said
Note or Ticket to the Receiver
or Receivers, Collector or Col-
lectors, of the said Toll or
Duty, at the said Gate or Turn-
pike erected or to be erected for
the said joint Collection, on the
same Day, or before Twelve of
the Clock in the Night of that
Day.

Be it further enacted by the
Authority aforesaid, That all
Horses, or other Cattle, Wag-
gons, Carts, or Carriages, loaden
with Lead, Coal, Lime, or Cin-
ders (except with Lead Ore) pas-
sing through any Turnpike, Gate,
or Toll-bar upon the said Road of-
tender

Horses,
&c. liable
to Toll
if they
pass of-
tender
than
twice a
Day ex-
cept with
Lead Ore.

C

tener than Twice in One Day, shall be subject and liable to the Payment of the Tolls and Duties by this Act imposed for every other Time they shall pass through any such Gate or Turnpike.

Penalty
on disposing
of
Tickets
to avoid
Payment
of the
Tolls.

AND, for preventing Frauds and Abuses in the said Tolls or Duties, be it enacted by the Authority aforesaid, That if any Person or Persons, having paid the Toll or Duty aforesaid, and having such Note or Ticket, Notes or Tickets, signifying, denoting, or implying, the Payment of such Toll or Duty, shall give or dispose of the same to any Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person giving, disposing, or offering, and the Person receiving such Note or Ticket, Notes or Tickets, and being thereof convicted upon Oath or Affirmation before the said Trustees, or any Five or more of them (who are hereby im-
powered

powered to administer the same) or before any One or more Justice or Justices of the Peace for the said Riding, shall respectively forfeit and pay the Sum of Twenty Shillings, to be levied, recovered, and disposed of, as any other Penalty or Forfeiture is directed to be levied, recovered, and disposed of, by this Act.

Provided also, and it is hereby enacted and declared, That, during the Continuance of this Act, no Tolls shall be taken for Coaches, Chariots, Chaises, or other Carriages, and Passengers on Horseback, going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the County of *York*, on the Day or Days of such Election, or on the Day next before and next after such Election; any thing herein contained to the contrary notwithstanding.

No Toll
on Elec-
tion Days.

Provided always, and it is hereby enacted, That no Person, who shall pass through any Turnpike erected, or which shall be erected, in pursuance of this Act, shall be charged with, or liable to pay, any of the Tolls or Duties aforesaid, for any Cart, Wain, Waggon, or other Carriage, or any Horse, Mare, or other Cattle, laden with, carrying, drawing, or empty, and going for, or returning, having been laden with Gravel, Stone, or other Materials, for repairing the said Road; or with any Hay, or Corn in the Straw only; or any Ploughs, Harrows, or Implements of Husbandry; or any Mould, Dung, Lime, Compost, or Manure, employed in Husbandry, for manuring and improving of Lands; nor shall any Toll or Duty be taken or demanded from any Person or Persons residing in any of the several Townships in which the said Road,

Road, or any Part thereof, doth lie, who shall pass through any of the same Turnpikes or Cross-gates to or from their own Parish or Parochial Church, Chapel, or other Place of religious Worship they usually resort to on *Sundays*; or who shall attend the Funeral of any Person or Persons that shall die and be buried in any of the said Townships; nor for any Horse, or other Cattle, going to or from Water or Pasture; nor for any Post-horse carrying the Mail or Packet; nor for the Horses of Soldiers passing that are upon their March; or for Waggon, Wain, Cart, and Carriages, attending them; or for Horses, Carts, or Carriages, travelling with Vagrants sent by Passes, or returning after having been so employed; nor shall any Toll or Duty be taken or demanded for any Carriage or Cattle whatsoever laden with, or carrying

ing any Lead Ore, or returning empty or unladen after having carried such Lead Ore over or upon that Part of the said Road leading from *Grassington* to *Pateley Bridge* aforesaid, to be smelted at any Mill or Mills in any of the Townships through which that Part of the said Road doth lie.

Penalty
on claim-
ing Ex-
emptions
unduly.

And it is hereby further enacted and declared, That if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being intitled to the same, such Person, for every such Offence, shall forfeit and pay the Sum of Twenty Shillings.

Not to
pay for
crossing
the Road
only.

Provided also, That no Toll or Duty shall be taken at any Toll-gate or Turnpike to be erected, by virtue of this Act, on the Side of any Part of the said Road hereby directed to be repaired, for any Horse, Cattle, Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, which shall not travel

travel upon the said Road for the Space of One hundred Yards.

And be it further enacted by the Authority aforesaid, That all and every Grantees, Trustees, Feoffees, and Committees, of any Messuages, Lands, Tenements, Rents, and Annuities, or any Sum or Sums of Money heretofore given by any Person or Persons whatsoever, for and towards the repairing and amending the said Road, or any Part thereof, shall pay and apply such Part of the Rents, Issues, and Profits, of the said Messuages, Lands, and Tenements, and of the said Rents and Annuities so given for the repairing the same, to the said Trustees, or any Five or more of them, or their Treasurer for the time being, to be by them laid out and expended in repairing such Part of the said Road for which the same were originally given; and, to that End, the said Trustees, or any Five or more

Rents and Money, &c. applicable to repair the Roads, to continue so.

of them, are, or their Treasurer for the time being is, hereby im-
powered to accept and receive of
and from such Grantees, Trustees,
Feoffees, and Committees, such
Rents and Profits, and Money, as
aforesaid, and to give Receipts
and Acquittances for the same.

Persons
chargea-
ble to the
Repair of
the Roads
to conti-
nue so.

**And it is hereby also enacted
and declared,** That all and every
Person and Persons by Law charge-
able towards repairing or amend-
ing the Highways or Roads here-
by intended to be repaired, shall
still remain chargeable, and do
their respective Statute-work in
the said Parishes in which the said
Road doth lie, as before the pass-
ing of this Act he, she, or they
ought to have done, except so far
forth as is in and by this Act
otherwise directed and provided.

Survey-
ors to de-
liver in
Lists of
Persons
who are
chargea-
ble with
Statute-
work.

And be it further enacted by
the Authority aforesaid, That the
respective Surveyor or Surveyors
of the Highways of and for the
several Townships and Places in
which

which any Part of the Road intended to be repaired by this Act doth lie, shall yearly and every Year, during the Continuance of this Act, within Seven Days after Demand made to him or them respectively in Writing by any Surveyor or Surveyors to be appointed by virtue and in pursuance of this Act, give in and deliver to such Turnpike Surveyor or Surveyors an exact List or Account in Writing, under his or their Hands or Hand, of the Christian and Surname of all and every Person and Persons in the respective Townships and Places, who are obliged by Law to do their Statute-work for that Year, with Teams and Draughts, or otherwise; and shall also set forth and specify in such List what such Person is respectively chargeable with for or towards the same; and the Surveyor or Surveyors of the Highways in such Township for the time being respectively, within Three Days after

ter Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of the Persons so chargeable as aforesaid he would have to do their respective Statute or Days Work in or upon any Part or Parts of the said Road, shall summon or give publick Notice thereof to the Person or Persons so chargeable as aforesaid: And if any Surveyor or Surveyors for the Townships or Places aforesaid shall neglect or refuse to do as they are hereby required and directed, he or they, for every such Neglect or Refusal, shall forfeit and pay any Sum not exceeding the Sum of Five Pounds: And if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the said Road, shall, after such Summons or publick Notice, neglect or refuse to send their respective Teams, Draughts, or Carts, with such

Penalty
on Sur-
veyors
not deli-
vering in
such
Lists;

Penalty
on Per-
sons
keeping
a Team,

such Horses or Beasts of Draught as he, she, or they respectively employ, with One Person to attend the same, to do and perform such their respective Days Work on the said Road, he, she, or they so neglecting or refusing, shall respectively forfeit and pay the Sum of Ten Shillings, whereon any such Team, Draught, or Cart shall make such Default as aforesaid: And if any Labourer, or other Person or Persons so chargeable towards repairing the said Road, shall at any Time neglect or refuse, after such Summons or publick Notice, to do and perform the said appointed Days Works on the said Road, he, she, or they shall respectively forfeit and pay the Sum of One Shilling for each of the said Days such Labourer, or other Person or Persons, shall make Default: And if any Person or Persons who shall, according to such Summons or publick Notice as aforesaid, come to work

and on
Labour-
ers, not
perform-
ing Sta-
tute-
work.

as

as a Labourer, or be sent with any Team, Draught, or Cart, to work on the said Road, is or are found idle or negligent by the said Turnpike Surveyor or Surveyors respectively where the Work is to be done, in such Case the same Surveyor or Surveyors may, and is and are hereby impowered and required to turn him or them off who shall be found idle and negligent as aforesaid, and it shall be deemed and taken as if such Person or Persons had not come, or sent any Team, Draught, or Cart, to work on the said Road; and he, she, or they shall be subject or liable to the respective Forfeitures and Payments above mentioned, as if he, she, or they had neglected or refused to do or perform the said respective Days Work so ordered and appointed as aforesaid.

What
Statute-
work is to
be done.

Provided always, That all and every Person and Persons now liable, or who during the Continuance

Prohibited always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees appointed or to be appointed by virtue of this Act, or any Seven or more of them, from time to time, during the Continuance of this Act, at any publick Meeting, to compound for any Time not exceeding One Year, with any of the Townships, Hamlets, or

Trustees may compound with Townships, &c. for Statute-work.

d Places,

Places to which the said Road belongs, or with any of the Possessors or Occupiers of Lands, Tenements, or Hereditaments, which are liable to, or chargeable with, the Repair of any Part of the said Road, for any Sum or Sums of Money, to be paid quarterly, or otherwise, in lieu of the Statute or other Work to be done by such Townships or Places, or by such Possessor or Possessors, Occupier or Occupiers of such Lands, Tenements, and Hereditaments chargeable as aforesaid.

Trustees
may ap-
point Of-
ficers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at their First Meeting, shall and may, by Writing under their Hands and Seals, elect, nominate, and appoint One or more fit Person or Persons to be their Clerk or Clerks, and One or more Person or Persons to be Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of

of such Money as shall be due and payable by virtue of this Act; and take such Security for the due Execution of the Office of Treasurer or Treasurers, as the said Trustees, or any Seven or more of them, shall approve of; and also shall and may appoint One or more fit Person or Persons to be Surveyor or Surveyors to view the Condition of the Road, and to see that the same be repaired and amended, and the Money to be raised by this Act duly applied; and also shall and may, from time to time, remove such Clerks, Treasurers, Collectors, Receivers, and Surveyors, or any of them, as the said Trustees, or any Seven or more of them, shall see Occasion; and shall and may appoint new ones, in case of Death or such Removal: And such Person or Persons as is or are by this Act liable to pay the said Tolls or Duties, is and are hereby required to pay the same, after the Rates aforesaid, to such

taking
Security;

and re-
move
them,
and ap-
point
others.

Officers
to ac-
count
upon
Oath,

such Receiver or Receivers, Collector or Collectors, as shall, from time to time, be appointed for that Purpose : And the Treasurer and Treasurers, and all other Person or Persons so appointed, as aforesaid, to receive the said Tolls or Duties, and also such Surveyor or Surveyors as aforesaid, shall, upon Oath or Affirmation as aforesaid, if thereunto required by the said Trustees, or any Five or more of them, before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace for the said West Riding (which Oath and Affirmation respectively such Trustees, or any Five or more of them, or such Justice or Justices, is and are hereby impowered to administer) on the First *Monday* in every Month, or oftener, if required, during the Continuance of this Act, give a true, exact, and perfect Account in Writing, under their respective Hands, of all Monies

Monies which he and they, and every or any of them respectively shall to such Time have received, paid, and disbursed by virtue of this Act, by reason of their respective Offices; for which Oath or Affirmation no Fee or Reward shall be taken: And in case any Money, so received, shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as the same Trustees respectively, or any Five or more of them, shall, by any Writing or Writings under their Hands and Seals, authorize and impower to receive the same; and shall be laid out and disbursed in amending the said Highway or Road, according to the true Intent and Meaning of this Act, and not otherwise: And the said Trustees, or any Seven or more of them, shall and may, out of the Money arising by the said Tolls or Duties,

and pay
over the
Money
in their
Hands.

Trustees
to allow
Officers
Salaries.

D

make

Officers
refusing
to ac-
count,

Justices
to en-
quire into
the De-
fault,

make such Allowance unto the Clerks, Treasurers, Receivers, Collectors, or Officers so appointed, for and in Consideration of their Care and Pains respectively taken in the Execution of their respective Offices, and to such other Persons who shall be assisting in and about procuring the said Highway or Road to be amended and repaired, by advancing or laying out any Monies, or otherwise relating thereto, as to them shall seem proper and reasonable: And in case the said Treasurers, Receivers, Collectors, Surveyors, or any of them, shall not make such Account and Payment unto such Person or Persons, according to the Orders and Directions of the Trustees, or any Seven or more of them, as aforesaid, then the said Justices of the Peace, at any Special or other Sessions to be held for the said Riding, shall make Enquiry of and concerning such Default in a summary Way,

as

as well by Confession of the Parties themselves, as by the Testimony of One or more Witness or Witnesses upon Oath Affirmation (and which Oath or Affirmation they are hereby impowered and required to administer without Fee or Reward): And if any Person or Persons shall be convicted thereof by such Justices, the said Justices shall, upon such Conviction, commit the Party or Parties to the Common Gaol of the County of York, there to remain, without Bail or Mainprize, until he or they shall have made a true and perfect Account and Payment as aforesaid, or shall have compounded and agreed with such Trustees, and paid such Composition to their Treasurer for the time being; which Composition the said Trustees, or any Seven or more of them, at any Meeting assembled, are hereby authorized to make.

and may
commit
the Of-
fender to
Gaol,

until he
shall con-
form,

or com-
pound
for the
same.

Toll-gatherer of the Bar at *Pateley Bridge* offending, to be dismissed.

And be it further enacted by the Authority aforesaid, That in case the Gate-keeper appointed or to be appointed for collecting and receiving the said Tolls or Duties at the said Gate or Toll-bar so erected in the Town of *Pateley Bridge* aforesaid, or any other Gate or Toll-bar which may be erected by such Consent as aforesaid, shall at any Time, in the Judgement and Opinion of the Commissioners appointed or to be appointed for putting this present Act in Execution, or any Seven or more of them, have misbehaved himself, or been guilty of any Irregularity or Remissness in his Office, that then the said Trustees for putting the said recited Act in Execution, upon Notice thereof in Writing delivered to their Clerk or Treasurer for the time being, shall, and they are hereby authorized and required, at their then next Meeting, to displace and remove such Gate-keeper or Gate-keepers

keepers from time to time so of-
fending, and supply the Place of
him or them so removed by some
fit Person for the time being, as
by the said recited Act is directed
in case of the Death or Removal
of Officers acting under the Au-
thority of the same Act.

And be it further enacted by
the Authority aforesaid, That no
Victualler, or Retailer of Ale,
Beer, or Spirituous Liquors, or me-
nial Servant to any of the Tru-
stees appointed or to be appointed
to put this Act in Execution, shall
be capable of holding any Office
to be made or created by virtue of
this Act.

Victual-
lers, &c.
not to
have a
Place of
Profit.

And it is hereby further enacted,
That it shall and may be lawful to
and for the respective Surveyor or
Surveyors to be appointed in pur-
suance of this Act, and such Per-
son and Persons as he or they shall
appoint, to dig, gather, take and
carry away, any Gravel, Furze,
Heath, Sand, Stones, or other Ma-
terials,

Survey-
ors may
dig Gra-
vel in
waste
Grounds,

without
paying
for the
same;

levelling
the Pits;

and
where
sufficient
Mate-
rials are
not to
be there
had, they
may be
taken
from pri-
vate
Grounds;

terials, out of any Waste or Com-
mon, River or Brook, of or in
any Parish, Town, Village, or
Hamlet, in or near which the said
Road, or some Part thereof, doth lie
(except Stones from Quarries open-
ed and in working) proper and
convenient for repairing the said
Road, without paying any thing
for the same; but making such
Satisfaction and Allowance to the
Person or Persons through whose
Lands such Materials shall be led
and carried, for the Damages done
and occasioned thereby to the said
Lands; and levelling, filling, up,
or fencing about, the Holes and
Pits made by getting such Gravel,
Stones, or other Materials, as the
said Trustees, or any Five or more
of them, shall judge and deem fit
and reasonable: And where there
is not a Sufficiency of such Mate-
rials in any Commons or waste
Grounds, Rivers or Brooks, near
adjoining, it shall and may be
lawful for the said Surveyor or
Surveyors,

Surveyors, by Order of the said Trustees, or any Five or more of them, to dig and gather the same in the several Grounds of any Person or Persons (not being a Garden, Park, Orchard, Yard, Plantation, Nursery, planted Walk or Walks, or Avenue to a House) where any such Materials are or may be found, and from time to time to carry away such and so much thereof as the said Surveyor or Surveyors shall adjudge necessary for the repairing the said Highway or Road; paying such Rate for such Materials to the Owners or Occupiers of the Ground from whence or through which the same shall be dug, gathered, and carried away, and also making Satisfaction for any other special Damage to be occasioned by such digging, gathering, and carrying, as the said Trustees, or any Five or more of them, shall judge reasonable: And in case of any Difference between such Owners or Occu-
making Satisfaction to the Owners.

Justices
to deter-
mine Dif-
ferences.

piers and the said Trustees, touching the Damages aforesaid, the said Justices of the Peace, at their General Quarter Sessions to be holden in and for the said West Riding, may and shall adjudge, assess, and finally determine, the same.

Penalty
on Per-
sons tak-
ing away
Materials
for re-
pairing
the
Roads.

Provided also, and be it further enacted by the Authority aforesaid, That in case any Owner of the Soil, or Occupier of the Ground, where such Materials shall be dug or gathered, according to the Directions of this Act, or any other Person or Persons, shall, at any Time during the Continuance of this Act, load, take, or carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials, which any Surveyor or Surveyors appointed under or by virtue of this Act, or any Person or Persons by him appointed, have got, gathered, or digged, out of any Waste or Common, River or Brook, or private Grounds, for the Purpose of repairing the said Road, or any Part thereof, or shall

shall dig, gather, get, take, load, or carry away, any Gravel, Sand, Stones, or other Materials, out of any Pit, Hole, or Quarry, which such Surveyor, or any Person by him appointed, shall have made or opened for the Purpose of getting Materials for such Repairs as aforesaid, before such Time as the said Surveyor or his Workmen shall have discontinued getting any such Materials thereout, or working therein, for the Space of Forty Days (other than and except the Owner or Occupier of such private Ground for his own private Use, and Persons by him lawfully authorized to get Materials therein for the proper Use of such Owner or Occupier only, and not for Sale) every Person and Persons so offending, and being thereof convicted by Confession of the Party, or on the Oath or Affirmation of One credible Witness, before Five or more of the Trustees, or before One or more Justice or Justices

stices of the Peace of the said Riding, shall for every such Offence forfeit and pay unto the said Trustees, any Sum not exceeding the Sum of Five Pounds, to be levied in Manner aforesaid.

Penalty
on draw-
ing Tim-
ber, &c.
otherwise
than on
Wheel
Carri-
ages.

And it is hereby further enacted, That if any Person shall hale or draw, or cause to be haled or drawn, in, upon, and along, any Part of the said Road, any Tree or Trees, Piece or Pieces of Timber, or any Stone or Stones, other than and except Mill-stones, otherwise than upon Wheel Carriages, every such Person or Persons shall for every such Offence forfeit and pay the Sum of Forty Shillings.

Doubts
relating
to Con-
tracts.

And whereas Doubts have been made of the Validity of Contracts entered into by Trustees appointed by Acts of Parliament for surveying and amending Turnpike Roads, their Clerks, Treasurers, or other Officers, with Workmen and other Persons, touching the Repair of the said Road, and whe-
ther

ther (as such Trustees, and those acting under them, do not actually sustain any special Damage) any Damages can be recovered against the Parties making Default in fulfilling such Contracts; for obviating the same, be it enacted by the Authority aforesaid, and it is hereby declared, That all Contracts in Writing entered into pursuant to an Order at any Meeting made by the Trustees hereby appointed, or hereafter to be appointed, or any Five or more of them respectively, by their Clerk, Treasurer, Surveyor, or other Officer, with any Workman or other Person or Persons, shall be binding upon all such Parties as shall sign the same, his and their Executors and Administrators; and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Parties failing in the Execution thereof; and that the Sum of Money requisite for putting the said

Contracts
with the
Clerks,
&c. to be
binding.

said Road into such Condition and Repair as by the said Contracts the said Parties ought to have done, shall be the Measure of the Damages to be recovered in any Action against such Contractor as aforesaid, and making Default in fulfilling his said Contract; any Law or Usage to the contrary in any wise notwithstanding.

Surveyors may remove Annoyances,

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor and Surveyors to be appointed as aforesaid, and such Person or Persons as he or they respectively shall from time to time appoint, and they are hereby respectively authorized and empowered to remove and prevent Annoyances on any Part of the said Highway or Road, by Filth, Dung, Ashes, Rubbish, Straw, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into the said Highway, to the

turn Watercourses,

the Prejudice thereof; and to open, cleanse, widen, or make deeper, any Watercourse or Ditch adjoining to the said Road; and to cut down, lop or top any Trees (except Timber-trees) Shrubs, or Bushes, growing on the said Highway, or in the Hedges or Banks adjacent thereto, and to take and carry away the same, in case the Owners or Occupiers shall neglect to cut down such Trees, Shrubs, or Bushes, or remove such other Annoyances, for the Space of Ten Days next after Notice in Writing given for that Purpose under the Hands of Three or more of the said Trustees, or their Surveyor or Surveyors.

cleanse
Ditches,
&c.

and cut
down
Bushes,
&c.

And it is hereby enacted and declared, That the Charges and Expences of such Works to be done by, or by Order of, such Surveyor or Surveyors (such Charges and Expences to be settled and ascertained by the said Trustees, or any Three or more of them) shall be

Owners
neglect-
ing to re-
move the
same af-
ter No-
tice,

Surveyors to levy the Charge by Distress and Sale.

Penalty on Second Offence.

be reimbursed to such Surveyor or Surveyors, by such Owners or Occupiers neglecting or refusing to remove such Annoyances as aforesaid: And in case such Owner or Occupier, or such other Person or Persons, shall not, upon Demand, pay and reimburse to the said Surveyor such Charges as aforesaid, it shall and may be lawful to and for such Surveyor as aforesaid, by Warrant or Warrants under the Hands and Seals of the Trustees, or any Five or more of them, or under the Hand or Hands, and Seal or Seals, of One or more Justice or Justices of the Peace for the Place where such Owner, Occupier, or other Person, shall reside, to levy the said Charges by Distress and Sale of the Goods and Chattles of the Person so offending as aforesaid, returning the Overplus (if any be) after deducting the reasonable Charges of making such Distress and Sale, to the Person or Persons whose Goods

Goods and Chattles shall be so distrained as aforesaid: And if, after Removal of any such Annoyances, such Person or Persons shall again offend in the like kind, every such Person or Persons so offending, and being thereof convicted upon Oath or Affirmation made before the said Trustees, or any Five or more of them, or before One or more Justice or Justices of the Peace for the said Riding, and which Trustees, or such Justice or Justices respectively, is and are hereby impowered to administer such Oath or Affirmation, shall, for every such Offence, forfeit and pay unto the said Trustees the Sum of Twenty Shillings, to be levied and recovered in Manner aforesaid.

And it is hereby enacted and declared, That it shall and may be lawful to and for the several Surveyor or Surveyors, and such Person or Persons as shall be appointed by Order of the said Trustees,

Surveyors may make Causeways, and cut Drains,

erect
Bridges,

stees, or any Five or more of them, to make, or cause to be made, Causeways, and to cut and make Drains, through any Grounds lying contiguous to the said Road; and to erect, rebuild, and keep in Repair, Arches of Brick, Timber, or Stone thereupon; and to divert and turn the said Road and Highway over any Part of the said Moors or waste Grounds contiguous and adjoining thereto, or thro' which the said Road doth now pass; and also to widen any of the narrow Parts of the said Highway or Road, by opening, clearing, and laying into, the said Highway or Road, any Grounds of any Person or Persons lying contiguous thereto (not being a Garden, Orchard, Plantation, Nursery of Trees, planted Walk or Avenue to a House) and also to cause Ditches or Trenches to be made in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees,

fices, or any Five or more of
 them, shall adjudge necessary for
 the better amending and keeping
 the said Road in good Repair;
 and also to make or cause to be ^{and make}
 made a Road or Way through, ^{a tempo-}
 over, and along, the Grounds ad- ^{rary}
 joining to any narrow or ruinous ^{Road,}
 Part or Parts of the said Road
 hereby intended to be repaired
 (not being a Garden, Orchard,
 Yard, Park, or planted Walk, or
 Avenue to an House, Plantation
 or Nursery of Trees) to be made
 use of by all Passengers with
 Horses, Coaches, Carriages, or
 otherwise, as a Road, whilst the
 old, adjacent, narrow, or ruinous
 Road is repairing, and until the
 same shall be made convenient and
 safe for Passengers and Carriages
 to travel and pass; making such ^{making}
 reasonable Satisfaction to the ^{Satisfac-}
 Owners or Occupiers of such ^{tion to}
 Ground which shall be so laid in ^{the Own-}
 or unto the said Road, or through ^{ers.}
 which any such Drain or Drains
 E shall

Owners
neglect-
ing to
cleanse
the same
after No-
tice,

shall be cut, or on which any such Arch or Arches, Bridge or Bridges, or through, over, or along, which such occasional or temporary Road shall be made, for the Damage which he, she, or they, shall or may thereby sustain, as shall be assessed and adjudged by the Justices of the Peace at the General Quarter Sessions to be next holden for the Riding aforesaid, in case any Difference shall arise between the said Trustees and such Owners and Occupiers respectively concerning the same: And if any Owners or Occupiers of any Watercourse, Ditch or Ditches, adjoining to the said Highway or Road, shall neglect or refuse to cleanse or scour such Watercourse or Watercourses, and to make such Ditch or Ditches so deep, and in such Manner, as such Surveyor or Surveyors shall adjudge proper and convenient, after such Notice shall be given for that Purpose by such Surveyor or Surveyors,

ors, or such Person or Persons as shall be appointed by him or them by virtue of this Act, to such Owners or Occupiers; it shall and may be lawful to and for such Surveyor or Surveyors to set any Man or Men to Work to scour, cleanse, and make the same; and, by Warrant from any Five or more of the said Trustees, to levy the Charge thereof upon the Goods or Chattles of the Owner or Owners, Occupiers or Occupiers, of such Watercourses, Ditch or Ditches, by Distress and Sale of his, her, and their Goods and Chattles, rendering the Overplus (if any be) to the Owner or Occupier, after all Charges paid.

Surveyors may set Men to do the same, and levy the Charge.

Provided always, That in case the antient or former Way over any Moor or waste Ground shall, by virtue and in pursuance of this Act, be turned or diverted, the Inhabitants of the Township, Parish, or Hamlet, wherein the old Road which shall be thereby left

Discontinued Roads not to be repaired by Townships.

off or discontinued, shall lie, shall not be obliged to repair such old Road, unless the same lead to some other Village, Town, or Place, than the new Road doth, and such old Road shall be disused and discontinued.

Bodies
Politick
impow-
ered to
sell
Lands,
&c.

And whereas it may happen that some Persons, or Bodies Politick, Corporate, Collegiate, Feoffees in Trust, or others, are seised or possessed of some Lands, Grounds, Tenements, or Hereditaments, which, according to the Powers given by this present Act, may, by the said Trustees, be thought necessary or proper to be taken in and added to the said Road, either for extending, widening, enlarging, turning, altering, or amending, the same as aforesaid, and they may be willing to treat and agree to sell such Land, Ground, Tenements, and Hereditaments, for the Purposes aforesaid, but are incapable of selling, granting, or conveying, the same,

by

by reason of Infancy, or other Disability; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Guardians, or other Trustees whatsoever, for or on Behalf of any Infants, Femmes-covert, or Cestuique Trusts, and for all and every Person and Persons whatsoever, who are or shall be seised, possessed of, or interested in, any such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, and agree, with the said Trustees, or any Five or more of them, for Satisfaction to be made them respectively for such their Land, Grounds, Tenements, and Hereditaments, or any Part thereof, or their Interest therein, for the Purpose aforesaid, and to sell and convey the same as Occasion shall be or require; and that all

Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid, to all Intents and Purposes; any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof, in any wise notwithstanding; and that all Feoffees in Trust, Executors, Administrators, Guardians, and Trustees, Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Where
Persons
refuse or
neglect to
treat, &c.
for the
Sale of
such
Lands;

And it is hereby further enacted, That if any such Owner, Proprietor, or Occupier, Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, or other Person or Persons, interested in such Lands, Grounds, Tenements, or Hereditaments, upon convenient Notice to them given, or left in Writing at the Dwelling-house

house or Place of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, and Hereditaments, so to be taken into, and added to the said Road as aforesaid, or into which such Way, Path, or Road shall be turned or altered as aforesaid, shall, by the Space of Thirty Days after such Notice given, or left as aforesaid, neglect or refuse to treat, or shall not agree for the Sale of the same, or, by reason of Absence, shall be prevented from treating; then, and in every or any such Case, the said Trustees, or any Seven or more of them, shall cause it to be inquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men of the said County of *York* (which Oath the said Trustees, or any Five or more of them, are hereby impowered to administer)

Trustees
may sum-
mon a
Jury,

administer) what Damages such Owners, Occupiers, or Proprietors, or other Person or Persons interested or concerned therein, shall or may suffer or sustain for or by reason of the taking of any such Land, Ground, Tenements, or Hereditaments, into the said Road; and what Recompence and Satisfaction such Owners, Occupiers, Proprietors, or other Person or Persons suffering thereby, shall respectively have and receive by reason or on account thereof: And for that Purpose, and in order thereto, the said Trustees, or any Five or more of them, are hereby impowered and required from time to time, as Occasion shall be or require, to summon and call before them all and every Person and Persons whatsoever who shall be thought necessary or proper to be examined as a Witness or Witnesses concerning the Premises; and shall examine all such Witnesses before the said Jury upon Oath (which

(which Oath the said Trustees, or any Five or more of them, are hereby impowered and required to administer) and they shall also order and cause the said Jury to view the said Places in Question, and to use all other lawful Ways and Means, as well for their own as the said Jury's Information in the Premisses, as they the said Trustees, or any Five or more of them, shall think fit: And after the said Jury shall have so inquired of, ascertained, and settled such Damages and Recompence, they the said Trustees, or any Five or more of them, shall thereupon order, adjudge, and determine the said Sum or Sums of Money, so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of the said Land, Grounds, Tenements, and Hereditaments, or other Persons interested therein, according to such Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement,

who are
to ascer-
tain the
Value.

Verdict
of the
Jury to
be bind-
ing and
conclu-
sive.

Jury to be
impanel-
led and
sworn.

Judgement, Order, and Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties or Persons whatsoever, claiming in Possession, Reversion, Remainder, or otherwise, and their Heirs and Successors, as well absent as present, Infants, Femecoverts, and Persons under any Disabilities whatsoever, Bodies Politick, Corporate, and Collegiate, as well as all other Person and Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors, and all and every Person and Persons any ways interested in such Land, Ground, Tenements, and Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of, the same: And, for the summoning and returning such Jury or Juries, the said Trustees, or any Five or more of them, are hereby

hereby impowered to issue out their Warrant or Warrants to the Sheriff of the said County of *York*, thereby requiring him to impanel, summon, and return an indifferent Jury of Twenty four Persons to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed: And such Sheriff is hereby required thereupon to impanel, summon, and return such Twenty four Persons accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear according to or upon such Summons, the said Trustees, or any Three or more of them, shall swear, or cause to be sworn, Twelve, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-

Standers-by, or that can be speedily procured to attend that Service, to the Number of Twelve.

Owners
may have
their law-
ful Chal-
lenges.

Penalty
on She-
riffs and
Juries
making
Default.

Provided always, and be it further enacted by the Authority aforefaid, That all Persons concerned shall, from time to time, have their lawful Challenges against any of the said Jurymen, when they come to be sworn: And that the said Trustees, or any Five or more of them, acting in the Premises, shall have Power, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputy or Deputies, Bailiffs or Agents, making Default in the Premises, or on any of the Persons that shall be summoned and returned on such Jury, not appearing, or refusing to be sworn on the said Jury, or being so sworn, and refusing, and not giving their Verdict concerning the same, or in any other Manner neglecting their Duties therein, contrary to the true Intent and Meaning

Meaning of this Act; and also, from time to time, to impose such Fines and Penalties on any Person or Persons, who being required to give Evidence before the said Jury concerning the Premisses, shall refuse to be examined, or to give Evidence touching the same, as the said Trustees, or any Five or more of them, shall think fit; and which said Fine or Fines shall be levied and recovered in such Manner as any Fine or Penalty is by this Act directed to be levied and recovered, so as no such Fine do exceed the Sum of Five Pounds, upon any One Person: And all such Fines shall be so employed, and for such Uses, and in such Manner, as the Tolls or Monies granted or to be raised by virtue and in pursuance of this Act, are to be laid out and applied.

Penalty
not to
exceed 5*l*.

Applica-
tion of
the Pe-
nalties,

And be it further enacted, That all and every such Sum or Sums of Money, Consideration, Recom-
pence,

Money
allowed
for Lands
how to be
charged
and ten-
dered.

pence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be, and are hereby charged and chargeable upon the Tolls and Monies which shall be raised, and borrowed, and be issued and applied, and shall be paid thereout unto the Persons respectively intitled to the same, or to their respective Agents; and that upon Payment or Tender thereof to the said Persons so respectively intitled thereto, and in case of Refusal to accept the same, then, upon leaving the same in the Hands of the Clerk, for the time being, of the said Trustees, for the Use of such Person or Persons as the said Trustees, or any Five or more of them, shall appoint the same to be paid unto; and after Three Months Notice thereof given to such Person or Persons, it shall and may be lawful for the said Trustees, or any Five or more of them, their Surveyors,

veyors, Workmen, or Agents, to take into and add to the said Road such said Ground, Lands, or Tenements, and to do all and every such Act, Matter, or Thing, with relation to the said Ground, Lands, Tenements, and Hereditaments, so to be taken into and added to the said Road, and to ditch and fence out the same, as the said Trustees, or any Five or more of them, shall think fit: And the said Ground or Grounds, Lands or Tenements, so to be taken in, when the same shall be so ditched and fenced as aforesaid, shall, to all Intents and Purposes whatsoever, from thenceforth become and be, and shall be deemed and taken to be a publick and common Highway, and be from thenceforth Part of the said Road, not only during the Continuance of this present Act, but for ever after; and shall be repaired, and kept in Repair, by such Ways and Methods, and in

Lands purchas-
ed to be
made
Part of
the Road.

in all Respects, in such Manner as other Highways are by Law to be repaired : And after such Purchase shall be so made as aforesaid, and such new Road completed, the Lands or Grounds comprized in, or constituting the old or former Road, in lieu whereof the Land or Ground for such new Road or Way shall be purchased as aforesaid, shall or may be sold or disposed of by the said Trustees, or any Seven or more of them, to such Person or Persons as shall be willing to purchase the same, for the best Price that can be reasonably had or gotten for the same ; and the Money arising by such Sale shall be applied and disposed of for the repairing and amending the Road by this Act intended to be repaired.

Tolls may
be assign-
ed for
Money
borrow-
ed.

And soasmuch as the Monies to be collected by such Receipt of the Tolls or Duties granted and made payable by this Act, will not be

be sufficient for the speedy repairing of the said Road, be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, and they are hereby impowered, from time to time, during the Continuance of this Act, by Writing under their Hands and Seals, to assign over the said Tolls and Duties, or any Part thereof, by virtue of this Act to be collected and levied, as a Security for any Sum or Sums of Money by them to be borrowed for that Purpose, to such Person or Persons, or their Trustees, who shall advance and lend the same, to secure the Repayment thereof, with lawful Interest, or less, the Costs and Charges of such Assignments to be borne and paid out of such Tolls and Duties; and the said Money so borrowed shall be applied and disposed of as the said Tolls or Duties raised and collected on the said Road are directed

rected to be applied and disposed of by this Act, and to no other Use or Purpose whatsoever.

Assign-
ments to
be enter-
ed in a
Book.

And be it further enacted by the Authority aforesaid, That the Dates, Parties, and Contents, or Substance, of all and every Assignment or Assignments, or other Security or Securities, so to be made by the said Trustees as aforesaid, shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Treasurer, for the time being, of the respective District wherein the Tolls so mortgaged as aforesaid shall arise and be collected; and the said Book or Books shall and may be seen and perused at all seasonable Times by any Person or Persons whatsoever, without Fee or Reward.

Notice to
be given
of bor-
rowing
Money.

Provided also, and it is hereby declared, That no Money shall be borrowed by the said Trustees, or any of them, on the Credit of the

the Tolls to be collected, unless Notice be for that Purpose fixed in Writing, under the Hand of the Clerk to the said Trustees, upon all the Turnpike Gates to be erected by virtue of this Act, at least Twenty Days before the borrowing of such Money.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time during the Continuance of this Act, unload, or Cause to be unloaded, any Grain, or any Sort of Grain or Merchandize, or take off any Horse or Horses, from any Coach, Chariot, Chaise, or any Horse or Horses, Ox or Oxen, or other Beasts of Draught, from any Waggon, Wain, Cart, or other Carriage, at or before the same shall come to any of the Gates or Turnpikes erected by virtue of this Act, with an Intent to avoid paying any of the Tolls or Duties hereby imposed, or shall conceal or secrete any Goods, or

Penalty
on taking
off Horses,
&c.

any other Thing, chargeable with any of the Tolls aforesaid; or shall put or leave in any House or other Place any Coach, Chariot, Chaise, Waggon, Wain, Cart, or other Carriage, Horse, or any Sort of Cattle liable to pay the said Tolls or Duties, with such Intent as aforesaid; each and every Person so offending, shall, for every such Offence, forfeit and pay to the said Trustees, or to their Treasurer for the time being, the Sum of Twenty Shillings, which shall be recovered and levied, as any other Penalties and Forfeitures are to be recovered and levied by virtue of this Act.

Penalties
and For-
feitures
how to
be reco-
vered.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures imposed by this Act, and to be incurred by force and virtue thereof (touching which no Provision is herein before made) shall be recovered and levied by Distress and Sale of the Goods and Chattles of the
Of-

Offender and Offenders, by Warrant or Warrants under the Hands and Seals of Five or more of the said Trustees, or under the Hand and Seal, or Hands and Seals of One or more Justice or Justices of the Peace for the Riding, Borough, or Place wherein the said Penalties and Forfeitures shall be incurred, or the Offender or Offenders shall reside (which Warrant or Warrants the said Trustees, Justice or Justices respectively, is and are hereby impowered and required to grant on the Information of One or more credible Witness or Witnesses upon Oath or Affirmation, as aforesaid, and which Oath or Affirmation the said Trustees, Justice or Justices respectively, is and are hereby impowered and required to administer); and the Penalties and Forfeitures, when recovered, shall go, and be applied and laid out, for and towards the amending the said Road whereon, or in regard to

which, the said Offence shall be committed ; and the Overplus of the Goods distrained (if any be) shall, upon Demand, be returned to the Party distrained, after the reasonable Charges of such Distress and Sale, to be settled and ascertained by the said Trustees, or any Five or more of them, or by such Justice or Justices respectively, shall be deducted.

Trustees
may lessen
the
Tolls.

Provided always, and it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Seven or more of them, and they are hereby authorized and impowered, from time to time, whenever they shall deem it expedient, to vary the Tolls and Duties hereby granted and made payable, by lessening, reducing, or advancing the same after any such Reduction ; and to order and direct such Tolls and Duties so lessened, reduced, or re-advanced, to be collected, received,

ceived, taken, laid out, and applied for the Purposes of this Act, in such Manner, Parts, and Proportions, as they shall think fit; so as such Reduction be no Prejudice to the Persons who shall have lent Money on the Credit of the said Tolls, or any of them, or any Person or Persons who, at the Time of such Reduction, shall have any Money secured thereby, and so as such advanced Tolls do not exceed the Tolls and Duties herein before granted; any thing herein contained to the contrary in any wise notwithstanding.

And be it further enacted by the Authority aforesaid, That the Tolls and Duties hereby granted shall take place from and after the First Day of *June*, One thousand seven hundred and fifty nine, and shall continue and be paid from thence for the Term of Twenty one Years, and from
F 4 thence

Com-
mence-
ment and
Continu-
ance of
the Act.

thence to the End of the next Session of Parliament ; subject nevertheless to such Variation as aforesaid.

If before the Expiration of the Term the Road shall be adjudged to be sufficiently repaired, &c Tolls to cease.

Provided always, That if, at any Time before the Expiration of the said Term, the said Road shall be sufficiently repaired and amended, and so adjudged by the Justices of the Peace for the West Riding of the County of York, at the General Sessions of the Peace holden next after *Easter*; then, and from and immediately after such Adjudication made, and Re-payment of all such Monies as shall have been borrowed upon the Credit of the said Tolls and Duties, with Interest for the same, shall be paid, satisfied, and discharged, then and from thenceforth the Tolls and Duties granted and made payable shall cease and determine.

Trustees may lease, &c. the Tolls.

And be it further enacted by the Authority aforesaid, That it shall

shall and may be lawful for the said Trustees, or any Seven or more of them, on giving Notice in Writing, to be fixed on the said Turnpike or Toll-bar already erected in *Pately Bridge* aforesaid, or which shall be erected with such Consent as aforesaid, and also on all such other Turnpike-gates which shall be then erected and set up on the said Road, of their Intent to lett and set One Moiety of the Tolls to be collected at the said Toll-bar at *Pately Bridge* aforesaid, and the other Tolls or Duties by this present Act granted and made payable, at least Ten Days before their Meeting for such Purpose, from time to time, by Writing under their Hands and Seals, to demise and lease the said Tolls and Duties so granted and made payable as aforesaid, or any Part thereof, unto any Person or Persons from Year to Year, or for any Term of Years,

Years, not exceeding Three Years, for the best yearly Rent or Sum that can be got for the same, payable at such Times, and under such Covenants, and to such Person or Persons, as they the said Trustees, or any Seven or more of them, shall direct or appoint; which yearly Rent or Sum so to be paid, shall be applied and disposed of as the Tolls and Duties, granted by this Act, are directed to be applied to, and disposed of, and to no other Use or Purpose whatsoever.

Trustees,
who are
in the
Commis-
sion of the
Peace,
may act
as Jus-
tices.

And be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for any of the Trustees appointed, or to be appointed, to put this Act in Execution, who is, are, or shall be in the Commission of the Commission of the Peace for the West Riding of the County of *York*, to act as Justice or Justices of the Peace, in all such Cases,
Mat-

Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

And be it further enacted by the Authority aforesaid, That for the continuing a sufficient Number of fit and able Persons to be Trustees for putting in execution all and every the Powers in this act contained, it shall and may be lawful for the said Trustees appointed and to be appointed, or any Seven or more of them, upon the Death, Removal, or Refusal to act, of any of the said Trustees, by Writing or Writings under their Hands and Seals, from time to time, during the Term aforesaid, to elect, nominate, and appoint, in the room of such Trustee or Trustees so deceased, removed, or refusing to act, other fit and able Person or Persons to be added to, and joined

On Death
of Trus-
tees, o-
thers to
be chosen.

ed with, the said Trustees so electing, in the Execution of the several Powers in them reposed by virtue of this Act; Notice of the Time and Place of Meeting for the Election of such new Trustee or Trustees being given by the Clerk to the said Trustees, who is hereby required to fix, or cause to be fixed, such Notice in Writing at or on all the Turnpike-gates which shall be then erected by virtue of this Act, at least Ten Days before such Election; and all and every Person and Persons to be chosen Trustee or Trustees to join in putting this Act in Execution, shall and may, and are hereby impowed to act, to all Intents and Purposes, in as full, large, and ample Manner, as the Trustees so electing are by this Act impowered to do, and so from time to time, as Occasion shall be or require.

Trustees
may com-
pound
with Tra-
vellers.

And be it further enacted by the Authority aforesaid, That the said Trustees,

Trustees, or any Five or more of them, at any of their public Meetings, shall and may, and they are hereby impowered, from time to time, as they shall see convenient or think fit, to compound or agree, for any Time not exceeding One Year, with any Person or Persons travelling through the Turnpike or Turnpikes already erected, or hereafter to be erected, by virtue of this Act, with any Horse, Coach, Chariot, Chaife, Waggon, Wain, Cart, or other Carriage, for any Sum or Sums of Money, to be paid quarterly, or otherwise, from time to time, after such Agreement shall be made; Minutes of all which Compositions or Agreements, so to be made by the said Trustees as aforefaid, shall be entered in a Book or Books to be kept for that Purpose by the said Clerk or Clerks, Treasurer or Treasurers; and which said Books shall and may be seen and perused by any Person or Persons

Assignments to be entered in a Book.

sons whomsoever, at all seasonable Times, without Fee or Reward.

Composi-
tion-mo-
ney how
to be re-
covered.

Provided always, and be it enacted by the Authority aforesaid, That in case any Composition-money agreed to be paid for passing through the Turnpikes already erected, or which shall hereafter be erected, by virtue of this Act Toll-free, or in lieu of any Statute or Days Work of the Inhabitants of any Parish, Township, Hamlet, or Place, wherein the Road to be amended by virtue of this Act doth lie, shall not be paid within Fifteen Days next after the same shall become due and payable according to such Composition or Agreement; then it shall and may be lawful for any Five or more of the Trustees, or for any One or more Justice or Justices of the Peace of the said West Riding, by Warrant under their or his Hands and Seals, or Hand and Seal, to empower the Person who shall be authorized by the said Trustees,
or

or any Five or more of them, to receive such Composition-money; and Oath or Affirmation being made, that the same has been demanded, and remains unpaid (which Oath or Affirmation such Trustees, Justices or Justice, is and are hereby authorized to administer), to levy such Composition-money by Distress and Sale of the Goods and Chattles of the Person and Persons so having compounded for passing through any of the said Turnpikes Toll-free as aforesaid, or of the Person or Persons who shall so compound for or in respect of the said Statute or Days Work, or of the Surveyors of the Highways for the time being of such Parish, Township, or Hamlet, in respect of whose Statute or Days Work such Composition shall be made, returning the Overplus, upon Demand, if any be, after the Charges of such Distress and Sale thereout are first deducted.

Provided

Survey-
ors pay-
ing the
Composi-
tion-mo-
ney how
to be
reim-
bursed.

Provided always, and be it further enacted by the Authority aforesaid, That if any of the Surveyors of the Highways of and for such Parish, Township, Hamlet, or Place, for which any such Composition shall be made for any Statute or Days Work as aforesaid, shall pay the Composition-money, or in case such Composition-money shall be levied on him in Manner herein before provided, all and every such Surveyor or Surveyors shall and may be reimbursed the Composition-money he shall so pay, or which shall be so levied on him, together with the Charges of levying the same, in the same Manner as, by the Laws now in being, Surveyors of the Highways of this Kingdom are to be reimbursed the Monies by them expended in buying Materials for mending the Highways.

Time and
Place of
Trustees
Meeting.

And be it further enacted by the Authority aforesaid, That the Trustees herein before appointed

for

for the putting this Act in Execution, or any Seven or more of them, shall meet together at the House of *William Benson*, being the Sign of the *Star*, in *Ripley* aforesaid, on the Second Day of *June*, One thousand seven hundred and fifty-nine, and proceed to the Execution of this Act, and shall then severally adjourn themselves; and, within Ten Days after, assemble themselves severally at the same or any other Place or Places near the Highway or Road to be repaired, as the said Trustees, or any Five or more of them, shall think proper or convenient, as often as it shall be necessary for the putting this Act in Execution:

And if it shall happen that there shall not appear, at any Meeting which shall be appointed to be had or held by the said several Trustees, a sufficient Number of them to act at such Meeting, then, on any other Day; then, in any Case, the Clerk

In Default of a sufficient Number to act, Notice to be given of another Meeting.

G

to

to the said Trustees, by Notice in Writing under his Hand, to be affixed at the respective Gates or Turnpikes to be erected, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the Place where the Meeting of the said Trustees was last appointed to be held, at some other convenient Place near the said Road, on that Day Three Weeks upon which such last Meeting of the said Trustees was appointed to have been held; and that the said Trustees, appointed and to be appointed by virtue or in pursuance of this Act, shall, as well at their First Meeting, as at their subsequent Meetings, defray their own Charges and Expences.

No Trust-
tee to
have a
Place of
Profit.

Provided always, and be it further enacted, That no Person or Persons appointed or to be appointed by this Act a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of,

of, or by reason of, the Tolls or Duties by this Act granted; but such Person or Persons shall be incapable of acting as a Trustee or Trustees from the Time of his accepting, and during the Enjoyment, of such Place of Profit, as aforesaid.

Provided also, and be it further enacted, That no Person shall be capable of acting as a Trustee, for the Purposes of this Act, unless he shall be, in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment, or in the Receipt, of the Rents and Profits of Lands, Tenements, or Hereditaments, of the yearly Value of One hundred Pounds, or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of Three hundred Pounds, or is possessed of, or intitled to, a Personal Estate to the Amount of Three thousand Pounds, or of Real and Personal Estate together of the Value of Three thousand

Qualifi-
cation of
Trustees.

Penalty
on acting
if not
qualified.

Pounds: And if any Person, so hereby made or declared incapable to act for the Causes aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every Person or Persons, for every such Offence, shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons that shall inform and sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Plaint, or Information, wherein no Essoin, Protection, Wager of Law, or more than One Imparlance, shall be allowed.

Roads to
be mea-
sured, and
Mile-
stones
erected.

And it is hereby further enacted, That ~~the~~ said Trustees, or any Five or more of them, shall cause the said Road to be measured, and Stones or Posts to be erected and set up in or near the Sides of such Road; One Stone or Post to be placed at the Distance of One Mile from another, and denoting

noting the Distance of every such Stone or Post from any other Place, as to the said Trustees, or any Five or more of them, shall seem meet : And if any Person or Persons shall wilfully and maliciously break any of the Stones or Posts, or any Part thereof, which shall be so erected and set up as aforesaid, or for protecting any Horse Causeway or Foot Causeway, or for any other Purpose whatsoever, in pursuance of this Act, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, or shall wilfully drive, or cause to be driven, any Cart, Waggon, or other Carriage, upon or over any Horse or Foot Causeway in the said Road, where the Carriage Way is passable for Wheel Carriages, and shall be convicted thereof by the Confession of the Party, or on the Oath or Affirmation of One or more credible

Penalty
on defac-
ing Mile-
stones,
&c.

Witness or Witnesses, before the said Trustees, or any Five or more of them, or One or more Justice or Justices of the Peace for the said West Riding; every Person or Persons so offending shall, for every such Offence, forfeit and pay Forty Shillings, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of such Trustees, Justice or Justices, before whom such Conviction shall be made; such Forfeiture to be applied in repairing the Stones or Posts so broken and defaced, or in supplying new ones in their stead; And if there shall be any Overplus of such Forfeiture, the same shall be laid out in repairing the said Road within the District where the Offence shall be committed: And in case the Person or Persons so offending, and convicted, shall have no Goods and Chattles, then it shall
and

and may be lawful to and for such Trustees, Justice or Justices, respectively, by Warrant or Warrants under their or his Hands and Seals, or Hand and Seal, to commit such Person or Persons to the House of Correction for the West Riding of the said County of *York*, for the Space of One Calendar Month, to be computed from the Day of such Commitment: And the Person and Persons so offending, and convicted, shall not be discharged till he, she, or they, shall have paid the said Sum of Forty Shillings, or until the Expiration of the said One Month.

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgement, Conviction, Warrant, Mortgage, Assignment, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by, any

Writings
to be
without
Stamps.

Trustee or Trustees, for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, concerning or in Execution of any Power or Authority hereby vested in such Trustees, or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp-duty whatsoever.

Assignments
may be
transferred.

And it is hereby also further enacted by the Authority aforesaid, That all and every Person or Persons to whom any Assignment or Assignments, or other Security or Securities, shall be made by the said Trustees, or any Seven or more of them, by virtue and in pursuance of this Act, as a Security for any Sum or Sums of Money by any Person lent and advanced on the Credit of the said Tolls and Duties, who shall be intitled to the Money thereby secured, shall and may from time to time, by proper Words of Assignment

signment to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings under his, her, or their Hands, to be duly executed in the Presence of Two or more credible Witnesses, assign and transfer his, her, or their Right, Title, and Interest, in and to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever: Which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, so to be appointed as aforesaid, within Six Months next after the Date thereof, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Names of the Parties, and Sum of Money therein mentioned to be transferred, in the said Book to be kept for entering the said original Assignments, or other Securities, for which the said Clerk or Clerks shall be paid the

the Sum of Two Shillings, and no more; and after such Entry made, such Assignment shall in-
title such Assignee, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign again, and so *toties quoties*; and it shall not be in the Power of such Person or Persons who shall make such Assignment thenceforth to make void, release, or discharge the same, or any Monies due, or any Part thereof.

Proceed-
ings to
be enter-
ed in a
Book.

And be it further enacted by the Authority aforesaid, That Minutes of the Dates, Parties, and Contents, or Substance of all and every Assignment or Assignments, or other Security or Securities, Lease and Leases, made by the said Trustees, and the Transfers of such Securities, and of all Orders and Proceedings, or Compositions with the said Trustees, or any of them,

them, shall be entered in a Book or Books to be kept for that Purpose by the said Clerk; which said Book or Books shall and may be seen and perused at all seasonable Times by any Person or Persons whomsoever without Fee or Reward; and such Orders so entered, being signed by the Clerk to the said Trustees, at any Meeting of Five or more of the said Trustees, as the Case shall require, shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of Five or more of the said Trustees; which said Book or Books shall and may be produced and read in Evidence in all Cases of Suits or Actions touching any thing done in pursuance and by the Authority of this Act.

And whereas by Means of certain Lanes or Ways, the one called *Whipley Lane*, and the other known by the Name of *Glass-house Happings*, and also One other Lane

Whipley Lane and Glass-house Happings to be discontinued.

Lane leading from *Bishop Side Moor*, by a certain Stone Quarry, into the Town of *Pateley Bride* aforesaid, communicating with or leading into the Road or Highway by this Act intended to be repaired, the Payment of the Tolls or Duties by this Act vested in the said Commissioners may be eluded; for preventing any such Frauds, be it further enacted by the Authority aforesaid, That the said Lanes or Ways shall, from and after the passing of this Act, be stopped up and discontinued; and the said Trustees named in and appointed by this Act, or any Five or more of them, are hereby authorized and required to stop up the same accordingly.

Not to
exclude
Owners
of adja-
cent
Grounds.

Provided always, That nothing herein contained shall extend or be construed to extend to exclude the present or any future Owner or Owners, Occupier or Occupiers, of any Lands adjoining to or near the said Lanes or Ways

Ways respectively, or their Servants for the time being, and at all Times, when and as often as Need or Occasion shall require, from passing and repassing over, through, and along, the said Lanes or Ways respectively with any Cattle or Carriages whatsoever, to and from, or for the necessary Use and Enjoyment, of their said respective Lands and Grounds only, and not otherwise.

And be it further enacted by the Authority aforesaid, That the Commissioners appointed or to be appointed for putting in Execution the Powers and Authorities in the said recited Act contained, or any Seven or more of them, shall, and they are hereby authorized and impowered, for the raising Money upon the Credit of the Tolls and Duties thereby, and by this present Act, vested in them, and for letting and compounding the same, to use, exercise, and enforce, all and every the Powers and

The Ri-
pon Tru-
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enforce
the Pow-
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by this
Act.

and Authorities by this present Act given for raising Money upon the Credit of the Tolls or Duties hereby given and made payable, and for letting and compounding for the same, in as full and ample Manner, to all Intents and Purposes, as the Commissioners appointed, or which shall be appointed, by this Act, can or may exercise or enforce.

Trustees
under
the *Leeds*
Act to
have
Power
over such
Part of
the Road
as inter-
feres with
theirs.

And be it further enacted by the Authority aforesaid, That the Trustees and Commissioners appointed and to be appointed in or by virtue of an Act made in the Twenty fifth Year of the Reign of His present Majesty, intituled, *An Act for repairing the Roads from the Town of Leeds through Harewood, to the South-west Corner of the Inclosures of Harrow-gate, and from thence in Two Branches (one through Ripley, over Burgage Green, and the other through Knarelsborough and Borough-bridge) to Ripon; and from thence*

to

to the First Rill of Water or Water-course on Hutton Moor, in the County of York; and for repairing the Sloughs or Ruts on the said Moor; shall and may survey, order, amend, repair, and keep in Repair, the Road or Highway leading from the Junction of the Roads from *Leeds* and *Knareborough* to and through *Ripley* in the Way to *Ripon*, in the said County, and put in Execution, as heretofore, all and every the Powers in and by the said Act given, so far as the same relates to the said Road between the Junction of the Roads from *Leeds* and *Knareborough* to and through *Ripley* aforesaid; and that the same shall not be liable to the Controul or Orders of the Commissioners or Trustees in or by virtue of this Act appointed or to be appointed, or any of them; any thing herein contained to the contrary in any wise notwithstanding.

Provided

No Bar
to be set
up there-
upon.

Provided nevertheless, That no Bar shall ever be set up or erected between the Junction of the said Roads from *Leeds* and *Knaresborough*, and the North End of the Town of *Ripley* aforesaid.

Act 24
Geo. II.
for the
Preserva-
tion of
Turn-
pike
Roads, to
extend to
this.

And whereas by an Act passed in the Twenty fourth Year of the Reign of His present Majesty, intituled, *An Act for the more effectual Preservation of the Turnpike Roads in that Part of Great Britain called England; and for the Disposition of the Penalties given by Acts of Parliament relating to the Highways in that Part of Great Britain called England; and for enforcing the Recovery thereof; and for the more effectual preventing of Mischiefs occasioned by the Drivers riding upon Carts, Drays, Cars, and Waggon, in the City of London, and within Ten Miles thereof; certain Powers, Authorities, and Remedies, for demanding, collecting, receiving, and levying the additional Tolls or Duties, Pen-*

nalties

nalties and Forfeitures, thereby inflicted and made payable, are vested in the Trustees or Commissioners appointed, or thereafter to be appointed, by any Acts of Parliament in that Part of Great Britain called England, in their respective Districts: Now, to prevent any Doubts that may arise touching the Construction of the said Act, it is hereby further enacted and declared by the Authority aforesaid, That the said Act, and all and every the Clauses therein contained, shall be deemed, adjudged, and taken to extend to the Highways and Roads in and by this Act directed to be repaired, in the same Manner as if the same had been Turnpike Roads before passing of the said Act; and that all and every the Carriers and Waggoners travelling or using the said Roads hereby directed to be repaired, or any of them, shall incur and be liable to the Penalties, Forfeitures, H additional

additional Tolls and Duties, as by the said Act of the Twenty fourth Year of His present Majesty are inflicted, imposed, or made payable; and that the same Tolls, Duties, Forfeitures, and Penalties, and all Powers, Authorities, and Remedies for the receiving, recovering, or levying the same, shall be and are hereby vested in the several Trustees and Commissioners appointed and to be appointed by virtue of this Act within their respective Districts or Divisions, in as full and ample a Manner as if the said Roads or Highways, hereby directed to be repaired, had been Turnpike Roads before the passing of the said Act; any thing herein contained to the contrary notwithstanding.

Distress
not to be
deemed
unlawful
for want
of Form.

And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be
8 deemed

deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Provided, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, until Ten Days Notice shall be thereof given to the Clerk or Clerks, or after a sufficient Satisfaction or a Tender thereof hath been made to the Party or Parties

Limita-
tion of
Actions.

General
Issue.

aggrieved, or after Six Months next after the Fact committed: And every such Action shall be laid in the County of York, and not elsewhere: And the Defendant and Defendants in every such Action or Suit shall and may plead, at his Election, specially the General Issue, Not Guilty, and give this Act, and the Special Matter, in Evidence at any Trial to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act: And if the same shall appear to be so done, or that such Action or Suit shall be brought before Ten Days Notice shall be thereof given as aforesaid, or of a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County, Place or Places, than where the Fact was committed, then the Jury shall find for the Defendant or Defendants; and upon

upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her, or their Action after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs; then the Defendant or Defendants shall and may recover Treble Costs, and have such other Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law. Treble Cost.

AND, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted by the Authority aforesaid, That all and every the Justice or Justices of the Peace, Trustee or Trustees, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, as the Case shall happen, or in any other Form

Form of Words to the same Effect:

Form of
Conviction.West Riding of
the County of
York:} **BE** it remembered,
That on the

in the

Year of His Majesty's Reign, A. B.
is convicted beforeof His
Majesty's Justices of the Peace for
the Riding aforesaid, or before usof the Trustees nomi-
nated and appointed for putting inExecution the Powers contained in
an Act of the Thirty second Year ofthe Reign of His Majesty King
George the Second, intituled, AnAct for repairing and widening
the High Road from Wetherbyto Grassington in the County of
York: (specifying the Offence, andTime and Place when and where
the same was committed, as theCase shall be.) Given under our
Hands and Seals the Day and Year

aforesaid,

Which

Which said Form and Conviction, or any of the Proceeding or Proceedings to be had touching the Conviction of any Offender or Offenders against this present Act, or Order made touching any of the Matters aforesaid by virtue of this Act, shall not be vacated or quashed for want of Form, or be liable to be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for want of Form;

nor removeable by *Certiorari*.

And be it enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Public Act; and be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

Publick Act.

Proceedings not to be
of the Proceeding or Pro-
ceedings to be had touching the
Conviction of any Offender of
Offences against this present Act,
or Order made touching any of
the Matters aforesaid by virtue of
this Act, shall not be voided or
passed for want of Form or be
liable to be removed by Certiorari
or any other Writ, nor shall
whatsoever, information to the
Jury's Court of Record at any
time; any Law or Statute to
the contrary notwithstanding.
And be it enacted by the Author-
ity aforesaid, That this Act shall
be deemed, adjudged, and taken
to be a Public Act; and be made
publicly taken Notice of as such by
all Judges, Justices and other
Persons whatsoever, without plead-
ing the same.



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